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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.                | CONFIRMATION NO.       |
|---|-------------|----------------------|------------------------------------|------------------------|
| 10/614,630  | 07/07/2003  | Robert Lawrence Fair | EMCCOR P08AUDI                     | 7822                   |
| 20210 7590 04/23/2007<br>DAVIS & BUJOLD, P.L.L.C.<br>112 PLEASANT STREET<br>CONCORD, NH 03301 |             |                      | EXAMINER<br>MASKULINSKI, MICHAEL C |                        |
|   |             |                      | ART UNIT<br>2113                   | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>04/23/2007            | DELIVERY MODE<br>PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/614,630

Applicant(s)

FAIR, ROBERT LAWRENCE

Examiner

Michael C. Maskulinski

Art Unit

2113

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 10 April 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): double patenting.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached paper.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.



Michael C Maskulinski  
Examiner  
Art Unit: 2113

## **DETAILED ACTION**

### ***Grounds for Rejection***

1. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis, U.S. Patent 5,768,501.

### ***Response to Arguments***

2. At first glance, the Applicant's arguments appear to re-define the term "domain" so it is contrary to its accepted meaning in the art of computer systems.

As defined by the Microsoft Computer Dictionary, a domain is 1) In database design and management, the set of valid values for a given attribute. For example, the domain for the attribute AREA-CODE might be the list of all valid three-digit numeric telephone area codes in the United States, 2) For Windows NT Advanced Server, a collection of computers that share a common domain database and security policy. Each domain has a unique name, and 3) In the Internet and other networks, the highest subdivision of a domain name in a network address, which identifies the type of entity owning the address.

On page 4, the Applicant argues, "Some of the major points to be kept in mind with regard to the present invention are therefore that it is the shared system resource that is organized as a plurality of hierarchical and peer domains, and whether or not the networks or network clients are organized as domains of any form is immaterial to the invention." This appears to be incorrect. By definition a domain is a collection of computers or resources. A shared resource can be part of an overall domain, for

example, a shared resource being a computer in a collection of computers making up a domain. However, an isolated shared resource **cannot** consist of domains.

On page 3, the Applicant argues, "one of the fundamental distinctions between the present invention and the system taught by Lewis '501 lies in the distinctions between the definitions and functions of 'domains' and their inter-relationships and inter-operations in the present invention as opposed to those in the Lewis '501 system." The Examiner would like to note that the "inter-relationships and inter-operations" are never claimed or defined in the claim language, but instead the specification is relied upon.

In paragraph 024 of the Applicant's specification, network domains are disclosed and this disclosure seems to be consistent with what is disclosed in column 1 of Lewis. For at least this reason, the Examiner believes that Lewis teaches all of the limitations of the Applicant's claimed invention. The Examiner invites the Applicant to schedule an interview to discuss possible amendments that would show the distinctions and file a corresponding RCE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Maskulinski whose telephone number is 571-272-3649. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, reading "Michael Maskulinski". The signature is fluid and cursive, with the first name "Michael" and last name "Maskulinski" clearly distinguishable.

Michael C Maskulinski  
Examiner  
Art Unit 2113